

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROWAN HOSKYNS ABRAHALL,

Plaintiff,

v.

OPEN SOURCE MATTERS INC.,

Defendant.

22-CV-4086 (RA)

ORDER OF SERVICE

RONNIE ABRAMS, United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action under 28 U.S.C. § 1332, alleging defamation, publication of private facts, and intentional infliction of emotional distress. By order dated May 31, 2022, the Court granted Plaintiff's request to proceed *in forma pauperis* (IFP), that is, without prepayment of fees.

Because Plaintiff has been granted permission to proceed IFP, they are entitled to rely on the Court and the U.S. Marshals Service to effect service.¹ *Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

If the complaint is not served within 90 days after the date the summons is issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63

¹ Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served the summons and the complaint until the Court reviewed the complaint and ordered that the summons be issued. The Court therefore extends the time to serve until 90 days after the date the summons is issued.

(2d Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if their address changes, and the Court may dismiss the action if Plaintiff fails to do so.

To allow Plaintiff to effect service on the defendants through the U.S. Marshals Service, the Clerk of Court is respectfully instructed to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for the defendant. The Clerk of Court is further instructed to mail an information package to Plaintiff, and to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon the defendant.

SO ORDERED.

Dated: June 7, 2022
New York, New York

A handwritten signature in blue ink, appearing to read 'Ronnie Abrams', is written above a horizontal line.

RONNIE ABRAMS
United States District Judge

DEFENDANT AND SERVICE ADDRESS

Open Source Matters, Inc.,
P.O. Box 4668 #88354
New York, New York 10163-4668